

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION

FARMERS NEW WORLD LIFE  
INSURANCE COMPANY, a  
Washington corporation

Plaintiff,

vs.

CHRISTOPHER G. ADAMS, an  
individual, STEPHEN MONGILLO,  
an individual, and ANNA  
MONGILLO, an individual,

Defendants.

CV 13-85-BU-DLC

ORDER

**FILED**

SEP 22 2014

Clerk, U.S. District Court  
District Of Montana  
Missoula

United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation on June 19, 2014, recommending that the Plaintiff Farmers New World Life Insurance Company's ("Farmers") motion for default judgment against Defendant Christopher Adams be granted, Farmers motion for attorney fees and costs be granted in the amount of \$4,809.23, and Farmers' motion for discharge and dismissal be granted. No party timely objected to the Findings and Recommendation, and so have waived the right to *de novo* review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313

(9th Cir. 1981). The Court adopts Judge Lynch's findings and recommendation in full.

Judge Lynch correctly determined that a default judgment should be entered against Defendant Christopher. *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Judge Lynch also determined an appropriate amount of attorney's fees and costs to be awarded to Farmers. There being no clear error in any of Judge Lynch's findings or recommendations,

IT IS ORDERED that Judge Lynch's Findings and Recommendation (Doc. 9) are ADOPTED IN FULL.

- 1) Farmers' Motion for Default Judgment against Defendant Christopher Adams (Doc. 20) is GRANTED.
- 2) Farmers' Motion for Attorney Fees and Costs be GRANTED in the amount of \$4,809.23, and
- 3) Farmers' Motion for Discharge and Dismissal be GRANTED, so that it is discharged from all liability with respect to the Policy and dismissed from this action.

DATED this 22<sup>nd</sup> day of September 2014.



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Dana L. Christensen, Chief Judge  
United States District Court